

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RONALD J. ALLISON,

Plaintiff,

v.

STEIN FORENSICS UNIT, *et al.*,

Defendants.

Case No. 2:21-cv-01571-GMN-BNW

**ORDER**

On August 30, 2021, this Court issued an order directing Plaintiff to file a complaint in compliance with Local Special Rule 2-1 ("LSR 2-1") and a fully complete application to proceed *in forma pauperis* or pay the full filing fee of \$402 on or before October 25, 2021. (ECF No. 5 at 2-3). The October 25, 2021 deadline has now expired and Plaintiff has not filed a complaint in compliance with LSR 2-1, an application to proceed *in forma pauperis*, or paid the full \$402 filing fee.

District courts have the inherent power to control their dockets and "[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (affirming dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (affirming dismissal for lack of prosecution and failure to comply with

1 local rules).

2 In determining whether to dismiss an action for lack of prosecution, failure to obey  
 3 a court order, or failure to comply with local rules, the court must consider several factors:  
 4 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
 5 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
 6 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
 7 See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at  
 8 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

9 Here, the Court finds that the first two factors, the public's interest in expeditiously  
 10 resolving this litigation and the Court's interest in managing the docket, weigh in favor of  
 11 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
 12 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay  
 13 in filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air*  
 14 *West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy favoring  
 15 disposition of cases on their merits—is greatly outweighed by the factors in favor of  
 16 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
 17 the court's order will result in dismissal satisfies the "consideration of alternatives"  
 18 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
 19 F.2d at 1424.

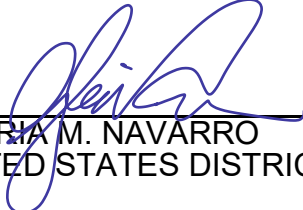
20 The Court's order requiring Plaintiff to file a complaint in compliance with LSR 2-1  
 21 and an application to proceed *in forma pauperis* or pay the full filing fee on or before  
 22 October 25, 2021 expressly stated: "IT IS FURTHER ORDERED that, if Plaintiff does not  
 23 file a complaint in compliance with LSR 2-1 on or before October 25, 2021, this case will  
 24 be subject to dismissal without prejudice for Plaintiff to refile the case with the Court,  
 25 under a new case number, when Plaintiff is able to file a complaint in compliance with  
 26 LSR 2-1." The Court's order further stated: "IT IS FURTHER ORDERED that if Plaintiff  
 27 does not file a fully complete application to proceed *in forma pauperis* with all three  
 28 documents or pay the full \$402 filing fee for a civil action on or before October 25, 2021,

1 this case will be subject to dismissal without prejudice for Plaintiff to refile the case with  
2 the Court, under a new case number, when Plaintiff has all three documents needed to  
3 file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee."  
4 (ECF No. 5 at 2-3). Thus, Plaintiff had adequate warning that dismissal would result from  
5 noncompliance with the Court's order to file a complaint in compliance with LSR 2-1 and  
6 an application to proceed *in forma pauperis* or pay the full \$402 filing fee on or before  
7 October 25, 2021.

8 IT IS THEREFORE ORDERED that this action is dismissed without prejudice  
9 based on Plaintiff's failure to file a complaint in compliance with LSR 2-1 and an  
10 application to proceed *in forma pauperis* or pay the full \$402 filing fee in compliance with  
11 this Court's order dated August 30, 2021. (ECF No. 5).

12 IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment  
13 accordingly and close this case. No additional documents will be filed in this closed case.

14 DATED: November 4, 2021

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18 GLORIA M. NAVARRO  
19 UNITED STATES DISTRICT JUDGE  
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